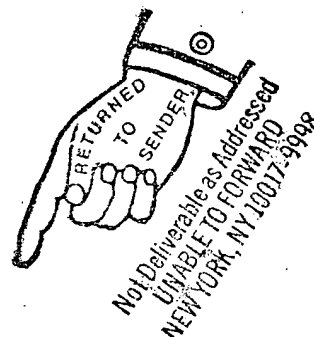
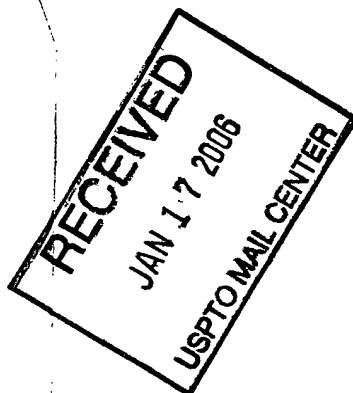


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## Office Action Summary

Application No.

10/079,555

Applicant(s)

WATANABE, MASASHI

Examiner

Satwant K. Singh

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/19/02.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito et al. (US 6618749).
3. Regarding Claim 1, Saito et al disclose a facsimile apparatus comprising:  
a communication section which performs image data communication utilizing a mail transmission system of a computer network (IFAX 11) (e-mail transmitted from Internet facsimile (IFAX) 11 or personal computer (PC) 12 on the transmitting side is transmitted to IFAX 14 on the receiving side via Internet 13) (col. 3, lines 37-40); a printer which prints an arbitrary image (printer 27); a determining section (failure mail identification section 31) which, if a delivery confirmation mail has arrived, determines whether a delivery failure of the image data transmitted from the communication section is notified by the delivery confirmation mail (failure mail identification section 31 identifies whether the E-mail data stored in data storage 25 is failure mail or not) (col. 4, lines 22-30); and a control section which causes the printer to print an image based on the delivery

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confirmation mail, only if the determining section has determined that the delivery failure is notified (failure mail output from the IFAX) (col. 5, lines 43-48).

4. Regarding Claim 2, Saito et al disclose a facsimile apparatus comprising: an acceptance section which accepts user designation as to whether or not the delivery confirmation mail is requested, if the user requests transmission of the image data (delivery status notification mail identification section 32); and a request section which causes the communication section to perform transmission of the image data with the request of the delivery confirmation mail, in response to the acceptance section accepting the user designation that the delivery confirmation mail is requested (transmit data from the IFAX) (col. 5, lines 7-30), wherein the control section causes the printer to print the image based on the delivery confirmation mail regardless of a determination result of the determining section, if the delivery confirmation mail has arrived in response to the transmission of the image data with the request of the delivery confirmation mail performed under control of the request section (failure mail output from the IFAX) (col. 5, lines 43-48).

5. Regarding Claim 4, Saito et al disclose a facsimile apparatus, wherein the communication section transmits an e-mail, to which image data is attached as an attachment file, based on an e-mail protocol (e-mail transmitted from a PC or another IFAX is received by control unit 21 via the Internet according to SMTP) (col. 4, lines 15-19).

6. Claim 8 is rejected for the same reason as claim 1.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. in view of Yoshiura (US 6,785,017).

9. Regarding Claim 4, Saito et al teach a facsimile apparatus comprising: a communication section which performs image data communication utilizing a mail transmission system of a computer network (IFAX 11) (e-mail transmitted from Internet facsimile (IFAX) 11 or personal computer (PC) 12 on the transmitting side is transmitted to IFAX 14 on the receiving side via Internet 13) (col. 3, lines 37-40); a storage which stores image data which has been transmitted by the communication section (transmit data storage 38); a determining section (failure mail identification section 31) which, if a delivery confirmation mail has arrived, determines whether a delivery failure of the image data transmitted from the communication section is notified by the delivery confirmation mail (failure mail identification section 31 identifies whether the E-mail data stored in data storage 25 is failure mail or not) (col. 4, lines 22-30).

Saito et al fail to teach a facsimile apparatus comprising: a control section which causes the communication section to retransmit, when the determining

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section has determined that the delivery failure is notified, that image data of said image data stored in the storage, which is notified by the delivery confirmation mail as having failed to be delivered.

Yoshiura teaches a facsimile apparatus comprising: a control section which causes the communication section to retransmit, when the determining section has determined that the delivery failure is notified, that image data of said image data stored in the storage, which is notified by the delivery confirmation mail as having failed to be delivered (Fig. 4, S31-S35) (co. 4, lines 50-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Saito with the teaching of Yoshiura to retransmit the image data in response to a delivery failure of the image data in a facsimile transmission.

10. Regarding Claim 5, Saito et al fail to teach a facsimile apparatus, wherein the determining section determines whether the delivery failure is due to a predetermined cause with which the possibility of success in delivery by retransmission is low, and the control section does not perform retransmission if the determining section determines that the delivery failure is due to the predetermined cause.

Yoshiura teaches a facsimile apparatus, wherein the determining section determines whether the delivery failure is due to a predetermined cause with which the possibility of success in delivery by retransmission is low, and the control section does not perform retransmission if the determining section

determines that the delivery failure is due to the predetermined cause. (Fig. 5, S44, No) (col. 5, lines 1-6)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Saito with the teaching of Yoshiura to not retransmit image data if the receiving facsimile apparatus does not have the capabilities of viewing the data.

11. Regarding Claim 6, Saito et al fail to teach a facsimile apparatus, wherein the determining section determines whether the delivery failure of the image data is due to lack of reception capability of a receiving terminal if the reception capability of the receiving terminal is indicated in the delivery confirmation mail, and the control section causes the communication section to retransmit the image data in a form receivable with the reception capability indicated in the delivery confirmation mail, if the determining section determines that the delivery failure of the image data is due to the lack of the reception capability of the receiving terminal.

Yoshiura teaches a facsimile apparatus, wherein the determining section determines whether the delivery failure of the image data is due to lack of reception capability of a receiving terminal (Fig. 3, S21, file cannot be opened), if the reception capability of the receiving terminal is indicated in the delivery confirmation mail (Fig. 3, S22, error message), and the control section causes the communication section to retransmit the image data in a form receivable with the reception capability indicated in the delivery confirmation mail, if the determining section determines that the delivery failure of the image data is due

to the lack of the reception capability of the receiving terminal (Fig. 4, S35, retransmit image in G3 facsimile mode) (co. 4, lines 1-44) .

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Saito with the teaching of Yoshiura to retransmit image data converted into a format that can be understood by the receiving facsimile apparatus.

12. Regarding Claim 7, Saito et al teach a facsimile apparatus, wherein the communication section transmits an e-mail, to which image data is attached as an attachment file, based on an e-mail protocol (e-mail transmitted from a PC or another IFAX is received by control unit 21 via the Internet according to SMTP) (col. 4, lines 15-19).

13. Claim 9 is rejected for the same reason as claim 4.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inniss et al. (US 5,381,527) discloses a sy6stem for efficient message distribution by successively selecting and converting to an alternate distribution media indicated in a priority table upon preferred media failure.

Otsuka et al (US 6,700,674) discloses a facsimile apparatus capable of automatically transmitting image data through two communication routes, a communication route via and internet and a public communication switched network.



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Tsukui et al (US 6,961,143) disclose an Internet facsimile apparatus and printing method using the same.

Bando et al. (US 2002/0099782) disclose a communication apparatus, data rewrite method and data download method.

Saito et al. (US 2004/0010558) discloses an internet facsimile and e-mail reception method.

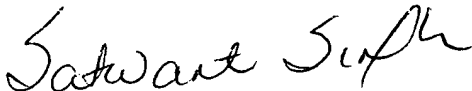
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571) 272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

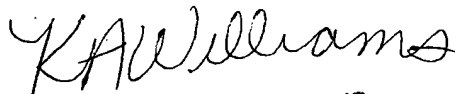
Art Unit: 2626

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Satwant K. Singh  
Examiner  
Art Unit 2626

sks



KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER

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Substitute for Form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number		
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				First Named Inventor		WATANABE
				Group Art Unit		
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Sheet	1	of	1	Attorney Docket Number		02097/LH

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**U.S. PATENT DOCUMENTS**

Exam. Info*	Cite No*	Document Number	Kind Code*	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion

**FOREIGN PATENT DOCUMENTS**

Exam. Info*	Cite No*	Offc.	Document Number*	Kind Code*	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T*
45		JP	10-56547	A	Hiraki et al	02-24-1998		x*
			*English abstract attached					

Examiner Signature	<i>S. S. S. S.</i>	Date Considered	12/5/05
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\* EXAMINER: Initial in reference column, whether or not citation is in conformance with WIPO 909. Draw line through citation if not in conformance and not considered. (Include copy of this form with next communication to applicant.)

\* Unique citation designation number. \* See kinds of U.S. Patent Documents. \* Enter Office that issued the document, by the two-letter code (WIPO Standard ST.11). \* For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. \* Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. \* Place a check here if English translation is attached.

DATE MAILED: February 19, 2002

**Notice of References Cited**

Application/Control No.

10/079,555

Applicant(s)/Patent Under  
Reexamination  
WATANABE, MASASHI

Examiner

Satwant K. Singh

Art Unit

2626

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,618,749	09-2003	Saito et al.	709/207
*	B	US-6,785,017	08-2004	Yoshiura, Yoshio	358/1.15
*	C	US-5,381,527	01-1995	Inniss et al.	709/239
*	D	US-6,700,674	03-2004	Otsuka et al.	358/1.15
*	E	US-6,961,143	11-2005	Tsukui et al.	358/1.15
*	F	US-2002/0099782	07-2002	Bando et al.	709/206
*	G	US-2004/0010558	01-2004	Saito et al.	709/206
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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10/079,555

02/19/2002

Masashi Watanabe

02097/LH

9145

1933 7590 12/13/2005

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NEW YORK, NY 10017-2023

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SINGH, SATWANT K

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